

1 TERRY GODDARD
Attorney General
2 Firm State Bar No. 14000

3 ELIZABETH A. CAMPBELL
Assistant Attorney General
4 State Bar No. 018311
1275 W. Washington, CIV/LES
5 Phoenix, Arizona 85007-2997
Tel: (602) 542-7979
6 Fax: (602) 364-3202

7 Attorneys for the Arizona State Board of Pharmacy

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**
9

10 In the Matter of

11 **RICHARD MULLINS,**

12 Holder of License No. S011395
For the Practice of Pharmacy
13 In the State of Arizona

Board Case No. 09-0038-PHR

**CONSENT AGREEMENT
AND ORDER FOR SURRENDER**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Richard Mullins
19 ("Respondent"), holder of Pharmacist License Number S011395 in the State of Arizona,
20 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law
21 and Order ("Consent Agreement") as a final disposition of this matter.

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
25
26

1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3630 involving allegations of unprofessional conduct against Respondent.
13 The investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
26

document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

9. Respondent understands that the Consent Agreement shall not become effective unless and until adopted by the Board and signed by its Executive Director.

10. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

11. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

12. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ACCEPTED AND AGREED BY RESPONDENT

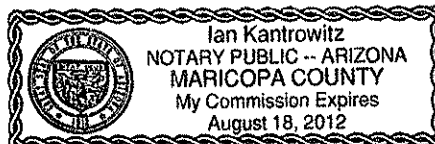
Richard Mullins
Richard Mullins

Dated: 6-15-09

Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA, this 15th day of JUNE, 2009, by Richard Mullins.

Ian Kantrowitz
NOTARY PUBLIC

My Commission expires: 08/18/2012



1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for licensing and regulating the
3 practice of pharmacy in the State of Arizona.

4 2. Respondent is the holder of license number S011395 to practice as a
5 pharmacist in the State of Arizona.

6 3. On August 11, 2008, Respondent signed a Consent Agreement and Order
7 of Probation in Board Case No. 09-0001-PHR (the "2008 Consent Agreement"). The
8 2008 Consent Agreement became effective on September 11, 2008.

9 5. The 2008 Consent Agreement required, among other things, that
10 Respondent immediately sign a five-year contract with Pharmacists Assisting
11 Pharmacists of Arizona ("PAPA").

12 6. Respondent failed to sign the PAPA contract and to otherwise comply with
13 the 2008 Consent Agreement.

14 **CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter and over
16 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

17 2. Pursuant to A.R.S. § 32-1927(A)(1), the Board may discipline a pharmacist
18 who has engaged in unprofessional conduct.

19 3. Respondent's practice and conduct, as described in the Findings of Fact,
20 constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(B)(20) (Violating a
21 formal order, terms of probation, a consent agreement or a stipulation issued or entered
22 into by the Board or its executive director).

23 ...

24 ...

25 ...

1 **ORDER**

2 Based upon the above Findings of Fact and Conclusions of Law,

3 Based upon the above Findings of Fact and Conclusions of Law, Respondent
4 hereby **SURRENDERS** License No. S011395, which was issued to Richard Mullins to
5 practice as a pharmacist in the State of Arizona. The surrender of Respondent's license
6 shall be treated as the revocation of his license. Respondent shall not reapply for
7 licensure in the State of Arizona or petition for reinstatement of his Arizona pharmacy
8 technician license for a period of at least five (5) years from the effective date of this
9 Consent Agreement.

10
11 DATED this ¹⁶13 day of JULY, 2009.

12
13 ARIZONA STATE BOARD OF PHARMACY

14 (Seal)

15
16 By:



17 HAL WAND, R.Ph.
18 Executive Director
19
20
21
22
23
24
25
26